G. R. S. 59]

GPB—15,000—22-7-14

GENERAL AND REVENUE SECRETARIAT.

1899—1900

~~191~~.

(Municipal)

File No. 82 of 99

Serial Nos. 1 to 6.

Counter marked

Papers Filed.

Month September 1900

SUBJECT.

Proposal for the removal of Mr. Sadasivappa from the list of members of Sreenivasapur Municipal Board

PREVIOUS REFERENCES.

LATER REFERENCES.

Immc: 105 of 1900

Sec 1.

Indexed.

6589
15-1-00
1899.

5b

Municipal No. of 1899 1

FROM The President
Local & Munc Fund Board &c
Kolar District

To The Secretary to the
Govt of Mysore
Ecl & Rev. Dept.

Dated 10th
Despatched 12th January 900
Received

General No. 526
No. 1-9-900

Enclosure No.

Subject: an appln received
from Sreenivasa Sadasivappa
of the Srinivaspur Munpl. Bd.
for absenting himself from
3 consecutive meetings of the Board

To the same
8880 9-27/1900
40-97
L J 7302
1571/1900

G V R 8/9/16/1900

Submitted for orders
as to whether the President may
be asked to procure best details as
to the nature of the offence of
which the member was convicted
by the Court of the 1st instance
& for copies of judgment of the Court of Sessions
and other Courts order.

Police Headquarters

Dated 10th January 9

To

The Secretary to the

Government of Bombay

General and Revenue

Department

Sir,

I have the honour to submit herewith the explanation received from Shankhag Sadashiv a member of the Sweepers Union Municipal Board for absenting himself from 3 consecutive meetings of the Board. Shortage that he was summoned in a criminal Case by the Sub Divisional Officer Chickballapur and the same was quashed in the High Court and that he should be retained as a member as heretofore. As the Chief Court have ordered a reversal of the Case I commend.

[illegible]
5161

[illegible]

[illegible]

[illegible]

[illegible]

still proceeding, should be b
permitted to remain on the
Board, when his absence
from more than 3 meetings permits
of his removal on this ostensible
ground. The Dy Comr may,
perhaps, be asked to report the
name of a successor in place
of Sadasivappa.
Subd to Dep?

Municipal
82 of 1899
3

He was not a party
agent in the matter

Was the petition
seen when signed
note what results
since when has
he been absent from
meetings of the Board?

19/6/00

A Schar
bk
21.6.00
22/6

11533
31-c-co 189. 1967

FROM

To

Dated

Despatched

Received

General No. 2 11

No. 1, 4.

Enclosure No.

J. 1. 5 W

This was called for
as per asst Secys order on Proceedings
dtd 5.2.09 10/1/00
Submitted for orders

It does not seem desirable 31/5
that a person who has been involved
in a serious criminal charge for
dishonest misappropriation of Govt
and the case against whom

No. 2573
1502.

Coram: The Chief Court of Bombay Sitting at Ratnagiri
Friday the 20th day of October 1899.

Present

The Hon'ble Justice J. W. Best, Chief Judge

and

The Hon'ble Justice T. Kanakaraj Rau, Judge.

Petition of criminal appeal No. 38 of 1899-1900, against the conviction and sentence by the Sub Divisional Magistrate of Chiplun passed under Sections 403 or 167 and 204 of the Indian Penal Code in criminal case No. 2 of 1898-99

} Appellant Sadasivrao Ganesh (Accused)

Judgment

The appellant Sadasivrao Ganesh Shanbhogue of Avalkolkar and other villagers

Villages of Premiarapper Taluk of the Kolar district.

He has been sentenced to be rigorously imprisoned for two years - one year being under Section 403 of the Penal Code, for dishonest misappropriation of moneys collected by him as such Shanbogue or (in the alternative) under Section 167 of the same Code, "for incorrectly framing a document, to wit, the Jamabandi Bakie register, by entering therein as collected larger sums than were really collected." The second period of imprisonment for one year is under Section 204 of the same Code, for destroying Khirdi accounts.

Assuming that the charge in the alternative, under Section 236 of the Code of Criminal Procedure, is unobjectionable, it is clearly incumbent on the prosecution to prove that one

or other of the offences has been Com-
mitted by the accused the sums found in
the Sums entered in the Varos Baki Ac-
Counts being greater than what appears in
the Irsalpatti — as also in the Treasury —
Cash book and in the Shroffs book is
not Sufficient to justify the appellants
Conviction. The Varos Baki Ledger is ad-
mittedly an account kept in the
Taluk office and should, properly
speaking, be written by the Taluk
officials. It is said that the various
Baki accounts in question are in the
handwriting of the appellant, but
he denies this assuming it to be a
fact, the circumstance is not Con-
clusive; as we know not the circum-
stances under which this account
was caused to be written. It is
admitted that the Irsal patti is in-
variably accompanied by the Kist

and the two are compared by the Treasury officials before the money is received and acknowledgment of receipt of the same entered in the Khirdi; after which the book is returned to the Shanboque.

It is further admitted that the Khirdi contains all collections made from day to day. Such being the case, it does not seem probable that the Shanboque would venture to make a remittance, smaller than the Khirdi showed to be due; and it is equally difficult to believe that he would knowingly create evidence against himself by entering in the Jasad (Bakir Ledger) collections larger than the actual remittances. The charge under Section 167 of the Penal Code seems to be a very fanciful one, and simply resorted to with the object of placing the accused in dilemma. If he is guilty of any offence

offence, it is breach of trust by a public servant, punishable under Section 409 of the Penal Code, and there should be no difficulty in bringing the offence home to him by a Scrutiny of the receipt granted for collections actually made. The conviction in the alternative is clearly an admission that the alleged misappropriation has not been conclusively proved.

As to the offence under Section 204 of the Penal Code there is evidence that while and he had destroyed a number of the accounts found on search of the appellant's house, and in the absence of proof that there was in fact misappropriations of moneys collected, no reason exists for supporting that the accounts in question were purposely destroyed.

We set aside the conviction, and direct that the case be retried in

in the light of the observations made
above.

Compared.
hs

(Copy)

In the Court of the Sub Divisional
Magistrate Chickballapur

Dated the 15th August 1899

Present K V Doraswami Iyer Esquire
Sub Divisional Magistrate

Criminal Case No 2 of 1898 99

Sections 403 or 167 & 204 IPC

Complainant — Accused —
Government — Said accused

Judgment

The Complaint was that the accused
a Shanbogue of a number of villages in the
Sreenivasapur Taluk made away with the
the accounts of Khatâ and Khurd of the
Avalakappa village for the years
Khara and Nandana and failed to
produce the same on the false plea of
them having been destroyed by white ants
and had in preparing the statement of
payments into the Treasury (Jamabandi)
made false entries of payments under
dates 1st March 1892 and 21st May 189-
showing an excess payment for Rs 100/-
in each item dishonestly, in order to wipe
the balance against the said village and
thereby committed offences punishable

under Sections 165, 167 and 204 of the Indian Penal Code.

2 This Case was taken up first by the District Magistrate, Kolar on his file as No 12 of 1897-98 but was subsequently transferred to this Court for disposal.

3. The following witnesses were Examined for prosecution:-

Sreenivasa Raghavachar, 2 Bala Krishna Rao, 3 Bhaskarrao and 4 Ramaiah

The following Exhibits were filed for the prosecution:-

A — Order for Prosecution.

B — Kanarese memo, also Contains B1

C — Vasool baki ledger of the Chintamani taluk, also Contains in true C1, C2, C3, C4, C5, C6, C7

D — Vasool baki ledger kept at Sreenivasapur, also Contains D1 D2 - D3 - D4 - D5 - D6 - D7

E — A perused statement before the Deputy Commissioner, Kolar

F — Inaalpatty dated 29 2 92

G — Inaalpatty dated 19 5-92

H — Cash account of Chintamani also Contains H1 - H2 - H3 -

I — Shroff's rozwar account Contains entries $I_1 - I_2 - I_3 - I_4 - I_5 - I_6$

J — Cash account of Chintamani, Contains entry J,

K — Shroff's Rozwar account Contains entry K_1.

L — Accused's Statement before the Amildar of Chintamani dated 10-10-96

M — Irsal patti dated 4 4 92

N — Balance Sheet of Avalkoppa

O — Adarbaki patti dated 22-1 98.

4. Charge framed against the accused was as below :—

" That you, on or about the 1st day of March 1892 at Chintamani remitted to the Treasury a sum of Rs 124 9-7 writing down in the vasoolbaki ledgers a sum of Rs 224-9-7 under Collection, and on the 21st May 1892 remitted to the same Treasury a sum of Rs 29/- writing down in the Vasoolbaki ledgers under Collection a sum of Rs 129/- and thereby misappropriated in each case a sum of Rs 100/- the difference between the collections and the actual remittances, &

moneys having come to your hands
by reason of your being a public servant
(Shahbazpur) at the time when those moneys
were to be wholly remitted to the Government
Treasury and thereby committed an
offence punishable under Section
403 or 409 of the Indian Penal Code, and
within my cognizance, or that you
remitted to the Treasury not what had
been collected but what being charged or
entrusted with the preparation of the
various Cash ledgers framed such part
of those documents as concerned your
Shahbazpur village in a manner which
you knew to be incorrect in as much as
you wrote down under the head of
Collection larger sums than were
really collected intending or knowing
it to be likely that you would thereby
cause injury (loss of property) to the
Government leading its servants to
an incorrect belief that the moneys entered
as collected had really been collected.
and thereby committed an offence punishable
under

under Section 167 of the Indian Penal Code and within my Cognizance", and secondly - that you secreted or destroyed certain accounts which you could have been lawfully summoned or required to produce in a Court of justice or in a proceeding lawfully held before a public servant intending by such concealment or destruction to prevent their production as aforesaid and thereby committed an offence punishable under Section 204 of the Indian Penal Code and within my Cognizance".

5- The accused pleaded not guilty and filed a written statement which is to the following effect:—

That Nagadi Gumasta Balakrishnaiah and other officials of the Chintamani Taluk Committed some mistakes in the Treasury accounts. The Taluk Officials failed to find them out and framed incorrect records and made a report of it to the District Officer the then Deputy Commissioner Mr. Ranga-swamiengar without proper enquiries

Enquiries ordered Revenue Head
Munshi Ranganna to take accused's
Statement. He and Head Munshi
took out certain ledger accounts and
Jamabandis from the records of Chita-
mane and Srinivasapur Taluqs and
pointing out the writings therein asked
the accused whose they were accused
said that the accounts were maintained
in the taking office and that he never
wrote them. Srinivasa Raghavachar
wrote something to the dictation of
Head Munshi Ranganna and read it
out to accused as it was read out just
as stated by accused ~~xxxxxxx~~ he signed
the Statement. He was afterwards
sent to Lock-up but was subsequently
released on bail. As Taluq Sirastadar
Balakrishna Rao is a relative of Head
Munshi Ranganna accused suspected
~~that~~ real facts were not brought to the
notice of the Deputy Commissioner and
~~that~~ his Statement too was not properly
recorded he petitioned the Deputy Commissioner

by

by post mentioning the various tricks played by Balakrishna Rao - As regards the memo Exhibit B prepared by 1st Prosecution witness Sreenivasa Raghavachar it is usual to make the Adav Baki Certificate in the Khirdi after it is compared with the Vasool baki ledger at the end of each year. This is done by Nagadu Lyengar and others as can be seen from the Khirdees now produced before the Court. Hence accused is not answerable for the mistake - He delivered to the Chintamani and Srinivasapur Taluks the accounts that were with him on three occasions - The daftar which contained the village accounts was accidently ravaged by white ants and some Khatas and Khirdees were entirely destroyed leaving the rest partly damaged as can be seen from some of the accounts now before the Court - Accused has stated this in the Taluk Cutcherry - Nagadi Lyengar Balakrishna Rao has in collusion with Thamboyne Krishnappa practised many a deception and so his statement cannot be relied upon - 3d Prosecution witness

witness Bhaskarappa was for some years employed in the Srinivasapur Range and is now in the Chintamani Taluk - He was Checking the Khatas and Khandees with the Road patties from the Chintamani Taluk and so should have found out the differences then alone, instead of doing so when an order from the Distrn Office was received asking for certain explanations for the difference of amounts shewn in the Municipal accounts instead of preparing correct accounts, stated that there was an excess of Rs: 3600/- in the ledgers relating to some 15 villages of the Srinivasapur Range - This Statement is incorrect - On the date on which the accused's Statement was recorded the Amildar did not come to office and when accused asked the 3rd Prosecution witness as to whom he should hand over the accounts he was told that they might be given to Record Keeper Seenappa - Accused did so obtaining a receipt therefor - The 3rd Prosecution witness prepared a book shewing the

the defalcations was asked accused
to give his statement - Accused said
he would do so at leisure after looking
the accounts and wrote so on the account
prepared by Bhaskarappa the deposition
of 4th prosecution witness Ramaiah that
accused had once taken Sroal Cannot
be believed as the books now produced
do not mention the name of the person
in its proper place. In regard to the amount
not shown in the C account but said
to have been embezzled in the monthly ac-
counts prepared in the taluk on the C
accounts and Sroal patties and submit
ted to the District Office, should show the
balance under each head - As such
balance was not shown in that account
it is not clear that the amount said
to have been embezzled was credited
to the Treasury - Accused requests
of the monthly accounts for November
1896 and June 1897. The Adavabale Cer-
ficate made by the 2d Prosecution witness
is incorrect in the case of some villages -
In the Sroal patti dated 7-6-90 Rs 329-1-

is shewn for Annamikere village while
in the C account it is shewn for Kasaba
Srinivasapura in the handwriting of the
2nd Prosecution Witness, evidently intending
to credit the amount to Srinivasapur
village in the monthly accounts for
1896 a balance of Rs 2785-12-7 is
shewn against the Srinivasapur
Range, while the accounts prepared by
Head Gumastha - Bhashkarapp, shew
Rs 3600/- of Srinivasapur and Chinta-
mani accounts are thoroughly over-
hauled with the help of C accounts
from the commencement the extent
to which Nagadi Gumastha and others
have deceived Government can be
traced Accused had stated this in his
petition to the Deputy Commissioner
under date 27-8-98 accused requests
Examination of Srinivasapur town
accounts etc prepared by Head Gumastha
Paramappa wherein the items of
discrepancies occur. (Vide accused's
written Statement for the items) - Sri Khinde
for Manmatha a certificate is made

and signed by the then Shenstada. Bhas-
karappa to say that there is no balance
for the accused's Shanbogy village
and accused is therefore not guilty.
A Comparative Statement showing pre-
vious and Current year's Jamabandy
as also increase and decrease was pre-
pared at the Huzur Jamabandy for
Dharwar. No balance is shown
in that Statement for accused's village;
The Deputy Commissioner Mr. Madiah
having found out some discrepancies
in the Vasool baki accounts of the Sidla
ghatta Taluk in Dharwar issued a
circular requiring the preparation
of a memo showing the previous years
balance, Current year's Jamabandy
and the monthly Collections Accused
requests the perusal of the memo. In
1887 the then General Assistant Com-
missioner Mr. Ramachandra Rao Examined
the Vasoolbaki accounts and noted the
Kulwar balance therein Ramachandrappa
accountant of the District Office
Examined the receipts of the moneys of the
accused's village with the aid of Accounts

The Exhibits for defence were:—

1- Entry in Exhibit C on page 19
2. Do — Do ---- 30
3- Do — Do ---- next to 43rd page
4 Do — Do — 4
5. Chintamani Amildar's report to Deputy Commissioner dated 9-11 96.
6. Gavagane Statement —
7. Balkrishna Rao's Statement before the Deputy Commissioner dated 27-3-98
8. Entry in Exhibit D.
9. List of records found in the Search of the accused's house.
10, 11, 12 } Entries in the Ledger accounts.
13, 14, 15, 16, 16(a), 17(a), 17(B) } Babuvan Jama Vasoolbaki takta for the year 1896-97
18- Statement shewing the babuvan balance at the end of June 1897
19- Roz Khirdi of Avalkoppa for the year Parthiva
20. — Do — Do — for Vijaya
21, 22 } Adav Baki certificate in the Khirdi of Avalkoppa village for the year Vijaya.

25

23 – Khurdi of Avalkoppa for Jaya also contains Entry 23A

24. — Do — Do — for 1895-96

25 List showing the papers handed over to the records by the accused.

26. Vasool baki Sanjayashipath for Khara

27. Jamabandy Vasoolbaki Statement up to the end of Jaya

28. Vasool baki book of Srinivasapur Hobli from 1892 July to June 1895

29 – Entry in Exhibit J

30 – Rogwar Jamakharch book of Chintamani for the months of June 1890

31, C account for the months of April 1890.

32. Entry in the Miscellaneous Taluk Rpt. 713 dated 3-3-92.

33 – Kulwar vasool baki takta of Avalkoppa for the year 1892-93

34. Phenist patti of papers handed over to the records by the accused.

35 Entry in Exhibit D page 25

36. Do ——— Do ——— /

37. Vasoolbaki takta of Khara.

38. Khurdi book of Chintamani taluk for the year 1892.

Exhibit B is a Karnam's memorandum of 4th April 1898 prepared by the

witness under the orders of the Deputy
Rº Commissioner of Kolar It was prepared
after the examination of the accounts
1- by the 1st 2d & 3d Prosecution witnesses -
2 The District Magistrate ordered the
3 prosecution of the accused Sadasiva Rao
4 for making false entries of payments
5 in certain books & for making away
with certain Government accounts -
6
The book C is known as the Vasool
7 baki & was maintained in the Chintā-
mani Taluq Cutchery - The book D is
8 its duplicate maintained in Srinivaspur
(Sub Taluq - A Sub taluq does not contain
(a Treasury & so the moneys collected there
(used to be remitted to the Taluq Treasury
(at Chintamani - Latterly Srinivaspur
(became a regular Taluk & began to have
(a Treasury of its own - We are concerned
with matters prior to this event. The
Vasool Baki books are maintained
for the information of those concerned
in the Collection of Government dues
to show them the amounts collected
& the balance outstanding - The Treasury
has other accounts of its own - When
moneys are paid into the Treasury
the

rule is (as can be gathered from the evidence of the witnesses) that the Clerk in Charge of the Vasoolbaki book should write down the amounts in it from the Khirdee which accompanied the remittances or from the Jroal pattee. But the rule is not adhered to strictly.

The Khirdee is a book kept by every Shanbogue to show the daily collections. We should enter in it in the order of payment the date & the amount & the name of the Pattadar & of the payee. All the moneys received for the months are then remitted to the Treasury. Every remittance should be accompanied by the Khirdee which contains the several sums which make up the remittance & by a paper known as the Jroal patti which shows the amounts of the remittance for each village. The total amounts in the Jroal patti & the Khirdee should tally as the figures for the former are taken from the latter. The Treasury Officials would compare the one with the other & then receive the money & make an Endorsement of the receipt on the Khirdi & return it.

show a payment in to the treasury of

only Rs. 46-0 6 or Rs 100/- less than the
Collection -

For Sreenivasapur Amanikere
under date 1-3-92 Exhibits C5 & D5 show
a Collection of Rs. 56-0-; but F4, H1,
& J4 point to a remittance of only
Rs. 6-0-0 which is once more short-
by a round sum - in this case only
of Rs. 50/- -

For Unikali village under Date
7-4-92 Exhibits C6 & D6 show a Collection
of Rs. 191-3-3 but the amount remitted
is as only Rs 70-15-7 as seen from the
Jamabandi Exhibit M & the Entry D5 -
in the shroff's book -

For Meesaguna pakki village under
date 7-4-92 Exhibits C7 & D7 show a
Collection of Rs 123-8-6 out of which
Rs 6-12-3 was bhandlayed & the
amount only was remitted as is seen
from D6 in the shroff's book -

Except in the last two case the
difference between the Collection & the
remittance was Rs 100/- or 50/- - In
the -

In the last case only the amount of bhand lagod was remitted -

The 1st Prosecution witness said that of the accused's Shanbhogg villages the accounts of Avalkoppa were most carefully examined - In the village the Deputy Commissioner selected the two items Exhibits C, D, & C_2 D_2 - The 2d & 3d Prosecution witnesses are well acquainted with the handwriting of the accused - They identify as the accused's handwriting Exhibits C, D, C_2 D_2. F & G. The 2d Prosecution witness prepared the balance sheet Exhibit N for Avalakoppa - The 3d Prosecution witness prepared Exhibit O - According to him both N & O tally - The 3d Prosecution witness stood well the accused's Cross Examination about the handwriting - The working on Page 4 of the book C appeared to him like Shanbogue Ramaiah's The words Srinivasapur Ramaiche and the top of page 9 were Shanbogue Krishnappa's handwriting - The rest of the writing on that page were the accused's -

Exhibit C5 appears on this page -
On page 11 the word Unikali was
Sh off Krishnappa's handwriting & the
rest of the writing was the accused's.
Exhibit C3 & C6 appear on this page.
The writing on pages 16 & 18 was Hebbata
Shanbogue Venkataramappa's - On
page 22 the top line was Shroff Krishnappa's.
The word Joomla at the top & the figures
immediately below it looked like the
handwriting of Nagadepalli Shanbogue
Seenappa - The writing above the top
line of page 29 was Krishnappa's & the
writing below the bottom line was
Nambikalli Shanbogue Sivaramaiya's.
The two top lines on page 33 were
Krishnappa's hand writing & the
last two lines of words that of
Shanbogue Thimmappa - The accused
listed this witness taking the book in
his hands & hiding the signatures
& showing to the witness such parts
of the words & figures on which he
questioned him. The 1st defence
witness found it difficult to identify
figures -

figures. But he identified the sig
of the accused at the bottom of the page
containing Exhibits C_1 & C_2. The 8th
defence witness was in charge of the
book D. He recognised D_1 & D_2 as the
accused's handwriting. The accused's
handwriting is proved to my mind
beyond all doubt. He denied his hand-
writing & in a way denied also Exhibits
E & L. There is absolutely no reason to
discredit E & L but they are not very
material & I will dismiss them from
consideration. The facts against him
are proved by other evidence.

From the evidence on record there
is no denying that the Shanbogue
used to write up the Vasool Baki books.
It is all right so long as the Shanbogue
enters the amounts according to the
Khirdi but should he enter the amounts
differently the Taluk Officials can
not find it out until he has obtained
the Khirdi from the Shanbogue & exam-

it Any alteration in the Khirdi could
at any time be found out at the Treasury
by means of the Daily patti or the Treasury
Cash accounts or the Shroff's book-
Aude &c for a Taluq Official to rely upon the
Khirdi is not unsafe but the Sanctions
believes also that no Khanbogue would dare
to enter in the Vasool Baki books Amounts
at variance with the Khirdi. The present
Case is that the Vasool Baki books
Shew higher amounts than were actually
paid into the Treasury. The presumption
is that only such amounts were paid as
are given credit to in the Treasury accounts.
The amounts shown in the Khirdi & the
Treasury endorsement of receipt on it
Cannot but have tallied with the
Treasury accounts & the Daily patties
because the Treasury Official could not
be so simple as to certify to the receipt
of a larger amount on the Khirdi & return
it to the Khanbogue while the Daily patties
& the Treasury accounts which are sent up
daily to the District Treasury would in Shewing
Smaller sums. A Khanbogue possessing

such

such a receipt upon his Khirdi could at any moment haul up the Treasury Officials & prove an embezzlement against them by merely calling a reference to the accounts of the Taluk Treasury or to their Copies daily received at the District Treasury. The accused produced some accounts to the Taluk Cutcherry but there are not among them the Khirdees relating to the items now in question. The accounts which were not produced will be seen from B, - the accused's own Exhibits 25 & 34 do not state to have produced any accounts said to be not produced in Exhibit B, . The accounts produced by the accused relate to villages or years in which there is no question of embezzlement raised. What are not produced are the accounts from which could be verified the C & D series of Exhibits. With the help of these Khirdies it could be found if the entries as per the C & D series are correct. If they showed the same amounts as the C & D series a misappropriation would be at once proved against the accused by the records

accounts + Irsal pattees & the Shroff's book which show much smaller sums as paid into the Treasury. For reasons already stated the Khirdees would not bear the Certificate of the Treasury for larger sums than shown in the Treasury accounts. When the total of the Collections according to the Khirdi is larger than the actual remittance it is only the actual remittance & not the larger sum that would be endorsed on the Khirdi as received for otherwise the Treasury officials would be each drawing a tight rope round his neck. Who would send out gratuitously such suicidal evidence. Most probably the Khirdees which are suppressed contained all the collections truly but bore only the Treasury receipts for the smaller sums actually remitted; and the accused entered in the Vasool Baki the actual Collections & not the smaller sums remitted in order to prevent the Deputy Amildar of Srinivasapur from taking Coercive measures for the recovery of Government dues as those measures would have brought to light the fact that they were already Collected

and

and would have proved the larger Collections & smaller remittances - If on the other hand the accused had shown in the Khirdees only such sums as he was remitting to the Treasury & obtained the Treasury endorsement thereof it would have been to his advantage & have produced these Khirdees & explained that only these sums had been Collected & denied his writing C_1 & C_2 & D_1 & D_2 as he does now. admitted them as his handwriting & explained that he wrote up larger figures to favour him to make the Collections, meantime prevent presence from the Taking authorities. He no doubt would be the making of false entries but it would be a much lesser offence than the other - These khirdees are not produced. They are said to be destroyed by white ants - It is worth Considering why white ants should have attacked these khirdees & left alone those relating to other years & other villages & other matters regarding which there is no question of the beggalement - I don't believe the story of

White ants - It was distinctly to the
accused's advantage to suppress these
accounts - They are documents whose
production as evidence may be lawfully
compelled in proceedings held before the
Revenue authorities - The 3rd defence wit-
ness said that he had taken a certain
figure from the accused's Khirdi & noted
it in the book he was keeping but had
to admit in Cross Examination that he
used to note down the Adar Baki amounts
as stated by the Shanbogues & Sametnies
by personal reference & that he could not
say how he acted with regard to the item
of Rs. 302-10-7 (Exhibit 28) - But Exhibit
N of date 16th February 1898 is the correct
final account. He admitted that the
Entries in his book are not in Chronological
order but his explanation for it is very
strange unless it be that wrote down
in his book only such sums as had
been remitted to the Treasury, there
being in the Khirdi four Collections
unremitted to the Treasury - this point
is already alluded to - The entire Collection
Shows

should be remitted - Keeping back any part is unauthorised - The Adavbaki is made at the close of the year - At each remittance a receipt is granted on the Khirdi.

There is ample proof of the accused's handwriting as already explained - Exhibits C_1, C_2, D_1 & D_2 & F & G are his handwriting. It is proved that the accused & Mir Shumboques used to write up the Vasool Baki

With regard to the much talked of Adav Baki Certificates the 1st defence witness has stated that they are sometimes made after a reference only to the Vasool baki books & that these books alone are referred to when much business is going on & the requisite Certificates made under the belief that the Entries in these books are Correct. This is just the reverse of the correct procedure & shows up one of the many irregularities going on in the Talugs -

The accused elected to file written Statements - I have carefully looked into them and examined his Exhibits. The Case has been on the file of this Court from a long time - My orders from time to time

on the accused's requests for adjournments would explain the delay. The accused contended that it was not his duty to collect kanda[illegible] but the duty of the Patel. The rule is that both Patel and Shanbogue should sit together, the Patel receiving the moneys tendered & the Shanbogue writing them up in his Khirdi & the receipts patta. But most Patels are unable to read, write or cipher - In villages where Patels are able to read & write such unfrequently the Shanbogues make the collections independently of the Patel. There are numerous instances of it. In the present case the Patel of Avalkoppa is illiterate. The name of the person who remits a certain sum to the treasury is noted in the Shroff's book which contains a special column for it. Exhibits D_1, D_2, D_3, D_4 & K, may be referred to. The person who made the remittance in the first

first four Cases was the accused -
the remitter in K, is said to be "ditto"
which would be one Agastyappa (Vide
4th Prosecution Witness's Evidence). A
perusal of Exhibit N would show when
embezzlements began - the enquiries
began when Mr. Madaya was Deputy
Commissioner of Kolar & Canara &
an end during Mr. Rangasami
Ayengar's Deputy Commissionership

For reasons already given I
find the accused Sadasivappa guilty
of the offences punishable under Sections
403 or 167 I.P.C & of the offences punish-
able under Section 204 I.P.C & sentence
him to one year's rigorous imprisonment
for each offence or 2 years in all.

(Signed) K. Devaswami Iyer
15th August 1898. Sub Divisional Magistrate

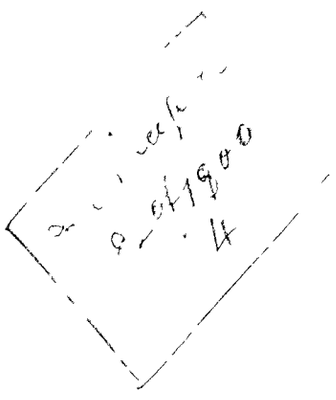
Compared.
(Copy)

N. Venkatarao
Head Writer in Magistrate's

1900

From

THE SECRETARY TO THE
GOVT. OF MYSORE,
GENERAL REVENUE D[illegible]



To

THE Presidt of the Mers
Kolar District

Dated 29-6-00

Despatched

Received

General No. 13779
P. P. 40-97

Postage Rs

His no 872 of the 30th May 1900 submitting copies of the judgments re the conviction of Sadasivaffa, Shanbogue

With reference to the above has the honor to request that he will be good enough to intimate whether the retrocession of the said Sadasivaffa has been held and if so with what result, and in case when he has been about from the meeting of the Board

I am
Sir
Your
Obedt
Servt

L 7 48
3.8.00

L.348

B. O. Continue B form and mark sl ctd. Dsg 1/9/00

B. Form completed RB/ 1-9-00.

Submitted for orders.

This information has been received as per order of the Secy dated 19/6/00 on sl ctd 6 on L.F. 40 of 97. Orders have to be passed on the retention or removal of Sadasivappa from the Srinivaspur Mul Board (sl 5-6)

Dsg 1/9/00

Put up a Copy of Do No 6619 LF 125-92

Do 16/11/92. Submitted Dsg.

(2) Are there any general rules regarding the appointment & removal of non-official members of minor municipalities? Dsg 4/9/00

"125

(1) Samuel
(2) B.R.D.
Old.
4.9.00

Sir,
(1) Copy of Proc: No 6619/125-92 dt 16/11/92 is submitted - mm 6/9/00

Please see also sl ctds 34 & 35 in L.F. 377-92. Submitted with Dsg 11

Municipal 1900 Feb. 51.

R 288 Do 8-9-00

1900

From The President Municipal Boards Kolar District

To The Secretary to the Govt of Mysore Bangalore.

Dated
Despatched
Received
} August 1900.

The General No.
No.

Enclosure No.

Sir:—

Adverting to your no. 13779/L.F. 40-97 dated the 29th June 1900, I beg to inform that the trial of Sadasivappa, the Shanbhogue of Srinivaspur, was held on the 11th August 1900, by the Sub-Division Officer, Chickballapur, the result being his discharge.

He has been absenting himself from the meetings of the Board since June 1899.[4]

I have the honor to be

Sir

Your most obedient Servant

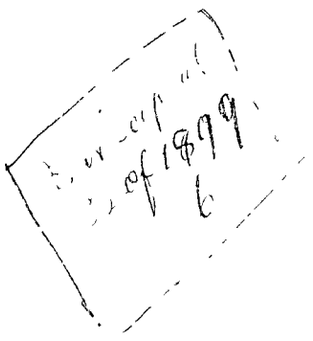
Chas Dimock

Pres President

1900

From

THE SECRETARY TO THE
GOVT. OF MYSORE,
GENERAL AND REVENUE DEPTS.



To

THE President of the
Heads in the
Kolar Distt

Dated 18/9/00

Despatched

Received

General No. 4215
J. D. Go-97

Enclosure No.

His letter no 126 dated
the 27th Aug 00 reporting on
the retrial of Shambhoo
Sadasivappa.

From the Same.
2679 12.10.00 L620

With reference to
the above has the honor
to request that the Presidt
will be good enough to
submit ~~a~~ early a copy of the
Sub-Division ~~officer's~~ Magistrate's order
discharge

discharging the said
Sadasivappa

By order

15/9/16 For Secy